

REMARKS

This Application has been reviewed in light of the Office Action mailed November 29, 2004. All pending Claims 1-45 were rejected in the Office Action. For at least the reasons provided below, Applicants respectfully request reconsideration and allowance of all pending Claims 1-45.

Section 102 Rejections

Claims 1-2, 6-9, 11-18, 22-25, 27-32, 36-39, and 41-45 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,381,321 issued to Brown et al. ("*Brown*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

Claim 1 of the present Application recites the following:

A method for sharing distributed media resources, comprising:
determining at a first call manager that a telephony device controlled by the first call manager requires the use of a media resource device;
selecting an appropriate media resource device from a media resource group list associated with the telephony device; and
communicating an allocation request to a device process associated with the selected media resource device, the device process executing at a second call manager controlling the selected media resource device.

Independent Claims 15, 31, and 45 recite similar, although not identical, limitations.

Brown does not anticipate Claim 1 (or Claims 15, 31 and 45) at least because it does not disclose "communicating an allocation request to a device process associated with the

selected media resource device, the device process executing at a second call manager controlling the selected media resource device.” The Examiner asserts that this limitation is disclosed at Column 9, lines 24-28 of *Brown*. This passage discloses that a connection management module of the telecommunication service system of *Brown* determines the most efficient path for connection between a telephone and the PSTN. This is certainly not a disclosure of any device processes. It is also not a disclosure of a second call manager controlling a selected media resource device. Even if it is assumed for the sake of argument that the telecom service system of *Brown* is a first call manager, there is certainly no disclosure of a second call manager. All of the telecommunication resources of *Brown* (which the examiner equates with media resource devices) that can be selected are located in a single telecommunication service system. Furthermore, since there is no disclosure of a second call manager controlling a selected media resource device, there is no disclosure of an allocation message communicated to a second call manager, and certainly no disclosure of communicating such a message to a device process executing at a second call manager.

For at least these reasons, Applicants submit that *Brown* does not anticipate Claim 1. Furthermore, Claims 15, 31, and 45 include similar limitations and thus are also allowable for similar reasons. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 15, 31, and 45.

In addition to their dependence on one of the allowable independent claims discussed above, Claims 2, 18, and 32 are also allowable because *Brown* does not disclose determining that a telephony device desires to establish a telecommunication with a second telephony device and determining that a transcoder is required to establish the telecommunication. There is no disclosure of any transcoder in the passage cited by the Examiner. Therefore, Applicants respectfully request reconsideration and allowance of Claims 2, 18, and 32 for at this additional reason.

Furthermore, Claims 7, 23, and 37 are allowable because, in addition to their dependence on one of the allowable independent claims discussed above, *Brown* does not disclose accessing a mapping table to determine a process identification (PID) associated with a selected device name, the PID identifying a device process associated with the media

resource device identified by the device name, or communicating the allocation request to the device process using the PID. The mapping that the passage at Column 11 cited by the Examiner discusses is a mapping of voice and data paths. There is no disclosure of a mapping of PIDs to device names. Furthermore, there is no disclosure in the cited Column 13 passage of any PIDs or device processes. Certainly there is no disclosure of the use of PIDs and device processes as recited in these claims. Therefore, Applicants respectfully request reconsideration and allowance of Claims 7, 23, and 37 for at this additional reason.

In addition to their dependence on one of the allowable independent claims discussed above, Claims 9, 25, and 39 are also allowable because *Brown* does not disclose media resource groups are that are ordered in a media resource group list, device names that are ordered in each media resource group, or searching through the media resource groups and the device names in each media resource group in order until a device name associated with the required device type is found. There is simply no disclosure of any ordering of media resource groups or device names in the passage cited by the Examiner, nor is there a disclosure of searching through media resource groups or device names based on any order. Therefore, Applicants respectfully request reconsideration and allowance of Claims 9, 25, and 39 for at this additional reason.

Moreover, Claims 13, 29, and 43 are allowable because, in addition to their dependence on one of the allowable independent claims discussed above, *Brown* does not disclose receiving an allocation response from a device process indicating that a selected media resource device is unavailable, selecting a second appropriate media resource device from a media resource group list, or communicating an allocation request to a second device process associated with the second media resource device. The passage cited by the Examiner with respect to these claims discloses finding routes between different points in a network. There is simply no disclosure of a media resource device being unavailable or that another media resource device is selected due to this unavailability. Therefore, Applicants respectfully request reconsideration and allowance of Claims 13, 29, and 43 for at this additional reason.

In addition to their dependence on one of the allowable independent claims discussed

above, Claims 14, 30, and 44 are also allowable because *Brown* does not disclose receiving a media resource group list associated with a telephony device from the telephony device. The passage cited by the Examiner discloses restricting access to particular applications to all of subsets of telephone sets. There is simply no disclosure of anything even related to the limitation of these claims. Therefore, Applicants respectfully request reconsideration and allowance of Claims 9, 25, and 39 for at this additional reason.

Section 103 Rejections

Claims 3-5, 19-21, and 33-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 5,757,781 issued to Gilman et al. ("*Gilman*"). Claims 10, 26, and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,687,234 issued to Shaffer et al. ("*Shaffer*").

Applicants believe that these dependent claims include limitations that are not disclosed in the cited prior art. However, for purposes of brevity, Applicants rely herein on the dependence of these claims upon an allowable independent claim discussed above. Therefore, Applicants respectfully request reconsideration and allowance of Claims 3-5, 10, 19-21, 26, 33-35, and 40 at least because of their dependence on one of allowable Claims 1, 15, or 31, as discussed above.

CONCLUSION


Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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Date: February 28, 2005

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